

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NORMAN ALAN KERR,  
Petitioner,  
v.  
WARDEN,  
Respondent.

No. 2:23-cv-2134 DJC AC P

ORDER

By order filed December 20, 2024, the petition was dismissed for lack of jurisdiction. ECF No. 14. Petitioner, a federal prisoner proceeding pro se, proceeded to file a notice of appeal. ECF No. 16. Upon processing the appeal, the Clerk of Court notified petitioner that he needed to pay the \$605.00 filing fee. ECF No. 17-2. Petitioner proceeded to file a motion asking to be granted leave to proceed in forma pauperis on appeal, and stating that he was sending \$5.00 for the filing fee along with a notice showing he had requested the \$5.00 be withdrawn from his prison account. ECF Nos. 19, 21. He then sent another notice saying his \$5.00 had been returned and he was submitting it again. ECF No. 22. On June 20, 2025, the Ninth Circuit dismissed petitioner's appeal for failure to comply with its May 9, 2025 order directing him to file a motion to proceed in forma pauperis or pay the filing fee.<sup>1</sup> ECF No. 23. Petitioner has now filed a

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<sup>1</sup> The Ninth Circuit's May 9, 2025 order directed petitioner to either pay the \$605.00 filing fee to (continued)


request to have copies of his notices showing he tried to pay the \$5.00 filing fee transferred to the Ninth Circuit. ECF No. 24.

Petitioner's request to proceed in forma pauperis will be denied as moot because his appeal has been denied.<sup>2</sup> Petitioner's request to transfer records to the Ninth Circuit will be granted to the extent that the Clerk of the Court will be directed to send copies of the filings to petitioner. Petitioner is advised that any attempts to pay a \$5.00 filing fee were likely returned because this court does not accept partial payments. Petitioner has been advised by both this court and the Ninth Circuit that the filing fee for an appeal is \$605.00, not \$5.00.

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's motion to proceed in forma pauperis (ECF No. 19) is DENIED as moot.
2. Petitioner's request to transfer records (ECF No. 24) is GRANTED to the extent that the Clerk of the Court is directed to send petitioner copies of the documents at ECF Nos. 21 and 22. The request is otherwise DENIED.

DATED: July 31, 2025

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE

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this court or submit a motion to proceed in forma pauperis to the Ninth Circuit Court on the form it provided. Kerr v. Warden, No. 25-236 (9th Cir. May 9, 2025), ECF No. 6.1 at 2.

<sup>2</sup> The court notes that even if petitioner's appeal had not been denied, the IFP motion is not on the proper form and lacks the information necessary to determine his status. Additionally, after petitioner filed his motion in this court, the Ninth Circuit ordered him to file a motion in his appeal if he wished to proceed in forma pauperis.